

Central Intelligence Agency



Washington, D.C. 20505

RECORD COPY

OEXA 82-1100/a  
25 May 1982

Honorable Nancy Landon Kassebaum  
United States Senate  
Washington, D.C. 20510

Attention: Craig Ladwig

Dear Senator Kassebaum:

This is in response to your transmittal note which forwarded correspondence STAT from your constituent, [redacted]

Executive Order 12333 on United States Intelligence Activities was signed by the President on 4 December 1981. This order was issued pursuant to the President's authority under the Constitution and statutes of the United States, including the National Security Act of 1947. It specifically provides, in Section 2.8, that nothing in the order "shall be construed to authorize any activity in violation of the Constitution or statutes of the United States."

The 1947 Act specifically provides that the CIA shall have "no police, subpena (sic), law-enforcement powers, or internal security functions." Thus, the Agency cannot perform, and the new Executive Order does not authorize, any internal security activities by the CIA. The 1947 Act and the Executive Order, however, do permit CIA to collect foreign intelligence and counterintelligence, and to conduct counterintelligence activities, within the United States. These functions are directed at activities by or involving foreign powers, persons, organizations, or international terrorist groups and must be coordinated with the FBI pursuant to procedures established by the Attorney General and the Director of Central Intelligence. These foreign intelligence and counterintelligence activities are separate and distinct from internal security functions, which are the responsibility of the FBI. Internal security involves solely domestic matters or threats, and is not the responsibility of the Central Intelligence Agency.

With respect to your constituent's concern regarding the events surrounding the alleged activities of [redacted], please be assured that the Central Intelligence Agency has no law enforcement authority and does not determine whether or not a prosecution should be brought. This determination is solely within the purview of the Attorney General and the Department of Justice. STAT

As you know, the passage of S. Res. 400 on 19 May 1976, and H. Res. 658 on 14 July 1977, signaled renewed, intensive Congressional oversight of the Agency's activities. Congressional oversight provisions and their counterparts in Executive Order 12036, the current order's predecessor, were enacted in law

as an amendment to the National Security Act of 1947 by the Intelligence Authorization Act for Fiscal Year 1981. Thus, Congressional oversight of CIA and the Intelligence Community now rests on a firm statutory footing.

I hope the above information will be useful to you in responding to

STAT

Cordially yours,

/S/

STAT

Director, Office of External Affairs

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LLD [ ] grf (19 May 1982)

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